

DEC 27 2022

Accounts Department

**SARATOGA SPRINGS CITY COUNCIL RESOLUTION  
APPROVING LIBERTY SARATOGA WORK FORCE HOUSING COMPREHENSIVE  
MAP AND ZONING AMENDMENTS**

**WHEREAS**, Liberty Affordable Housing Inc., a New York not-for-profit entity, submitted an application to the Saratoga Springs City Council seeking a Zoning Map amendment for a +/-30 acre parcel of land located on the corner of Crescent Avenue and Jefferson Street, further designated as tax map 179-5-8 ("Project Site" or "Property") in order to construct approximately 215 units of work force housing at the Property; and

**WHEREAS**, in furtherance of the request for a map amendment to rezone the parcel from Rural Residential (RR) to Urban Residential-4 (UR-4) for this public benefit project, the Applicant submitted an initial application, subsequent further submissions pertaining to the relief sought and questions raised by various boards, together with information relating to the environmental impacts of the project, which materials included the following:

- 1. Original Application Submission – July 14, 2022**
  - a. Application for Map Amendment
  - b. Narrative to Application
  - c. SEQR Long Form EAF
  - d. Location Map and Renderings of Site
  
- 2. Amended Application – August 26, 2022**
  - a. Revised page 1 and signature page for BMHD
  - b. Affordability Enforcement Memorandum
  
- 3. Planning Board Requested Information – October 20, 2022**
  - a. Density Analysis prepared by Phinney Design Group
  - b. 2019 Traffic Study
  - c. 2019 Wetland Delineation and Endangered Species Screening
  - d. Comprehensive Plan Density Analysis
  - e. Memorandum regarding "Affordability in Perpetuity"
  
- 4. Planning Board Requested Information – November 2, 2022**
  - a. Memo addressing continuation and extension of affordability requirements
  - b. Memo regarding zoning and UDO density requirements
  - c. Memo regarding connection to existing sanitary sewers
  - d. Liberty letter addressing project timeline and other issues (submitted separately on Friday, 11.04.22)
  
- 5. City Council submission – November 18, 2022**
  - a. Full Environmental Assessment Form (EAF) updated November 17, 2022
  - b. "Redline" of EAF with changes highlighted
  - c. August 17, 2022 letter from ACOE regarding total wetland acreage

**6. City Council submission – December 5, 2022**

- a. Letter pertaining to Planning Board Advisory Opinion

**7. City Council submission – December 15, 2022**

- a. LaBella response to Clubhouse Estates Neighbor

(hereinafter all collectively referred to as “Application”); and

**WHEREAS**, on September 6, 2022, during the Saratoga Springs City Council meeting, the Applicant provided a presentation on the proposed project seeking a Zoning Map Amendment for the Project Site to rezone the parcel from RR to the adjacent UR-4 zone in order to facilitate their proposal for development of the site for the purpose of constructing +/- 215 units of work force housing in two structures. At that meeting, the City Council had an opportunity for dialogue with the Project team regarding the proposal; and

**WHEREAS**, following the presentation, the City Council accepted the Application and deemed that it had merit for review and referred the matter to the Saratoga Springs Planning Board and the Saratoga County Planning Board; and

**WHEREAS**, at the October 6, 2022 City Council meeting, the Council declared its intention to serve as SEQRA Lead Agency for the project and initiated coordinated review in the letter to the Involved Agencies dated October 12, 2022; and

**WHEREAS**, the Saratoga County Planning Board met on September 15, 2022 to review the Map Amendment application and unanimously issued a recommendation for approval of the relief requested, which was documented in their letter to Commissioner Moran dated October 6, 2022; and

**WHEREAS**, the Saratoga Springs Planning Board considered the Application Materials and discussed this matter with the Applicant at its meetings held on October 13, 2022, October 27, 2022, and November 17, 2022. At the final meeting on November 17, 2022, the Planning Board issued a unanimous favorable advisory opinion to the City Council, as recorded in their letter to the City Council dated December 2, 2022, which also included some SEQRA recommendations for the City Council following its review of the matter; and

**WHEREAS**, the Saratoga Springs Zoning Board of Appeals considered this matter at its meeting on October 17, 2022 in its role as an Involved Agency under SEQRA, deferred to the City Council's request for Lead Agency status and expressed its support of the action as documented in its letter dated October 25, 2022; and

**WHEREAS**, the City recognizes that the properties in the neighborhood adjacent to the Project Site are located in the UR-4 zoning district and that the UR-4 zone is present in four other nearby areas, and that all of the areas that are designated UR-4 have the land use category of Core Residential Neighborhood-2 (CRN-2) on the Comprehensive Plan Map; and

**WHEREAS**, under the authority granted in General City Law §28-a, legislative bodies may amend their Comprehensive Plans, and during the November 2, 2022 meeting, the City Council voted unanimously to initiate the review of an amendment to the Comprehensive Plan Map to designate the Project Site as Core Residential Neighborhood-2 (CRN-2), and to refer the matter to the Saratoga County Planning Board for the required recommendation on the Comprehensive Map Amendment; and

**WHEREAS**, on November 17, 2022, the Saratoga County Planning Board voted unanimously in favor of the amendment to the Comprehensive Plan Map for the Project Site, which recommendation was set forth in a letter dated November 28, 2022; and

**WHEREAS**, on the same date, the Saratoga Springs Planning Board met and discussed the benefits of the amendment of the Comprehensive Plan Map in conjunction with its discussion of the proposed Project and found that the amendment was consistent with the proposed request for a Zoning Map Amendment; and

**WHEREAS**, a Public Hearing was scheduled and held during the City Council Meeting of December 6, 2022 for the SEQRA review, Comprehensive Map Amendment and Zoning Map Amendment, and the Public Hearing was kept open and continued during the City Council meetings of December 16, 2022 and December 20, 2022; and

**WHEREAS**, the City Council and its consultants have reviewed and considered all Application materials, together with the letters and decisions from the Involved Agencies; and

**WHEREAS**, the City Council, with the assistance of its technical and legal consultants, engaged in a detailed review of the Application Materials, completed Part 2 of the EAF on December 16, 2022 and issued a SEQRA Negative Declaration on December 20, 2022 finding that the proposed Project had no significant adverse environmental impacts; and

**WHEREAS**, the proposed Project has been the subject of careful review by the City Council over the course of five months, has reviewed all the Application materials as relates to the environmental review and the standards for Map Amendments as set forth in the Unified Development Ordinance and State law, and has reviewed the information provided by involved agencies.

**NOW, THEREFORE, BE IT RESOLVED**, that the Saratoga Springs City Council makes the following findings, determinations and certifications:

1. Based upon the City Council's own determination and review, the Project Site will be redesignated on the Comprehensive Plan Map from the Rural Neighborhood-1 (RN-1) and Equine (EQ) land use categories to the Core Residential Neighborhood-2 (CRN-2), consistent with other UR-4 zoned parcels in the area.
2. The Zoning Map is to be amended from RR to UR-4 because it meets the standards set forth in the UDO as follows:
  - a. The Map Amendment is consistent with the Comprehensive Plan. The Plan advocates for four guiding principles of (1) economic strength and stability, (2)

environmental health and resiliency, (3) transportation and mobility, and (4) community character. The city has a significant impediment in meeting its current economic needs because of difficulties relating to employment. This project will provide a mechanism for ensuring the recruitment and retention of work force necessary to staff foundational jobs for our community. The green benefits of this project are numerous, from the environmental building requirements tied to the funding of the project to the decreased carbon footprint locating workers closer to their jobs will bring. The sections relating to community character are fully embraced by this project, as this guiding vision emphasizes that work force housing is the “key to Saratoga’s future.”

- b. The Map Amendment promotes the public health, safety and welfare of the community. The Project will provide a recruitment tool for the City’s police, fire and public works employees, as well as EMS, nurses and other health professionals to ensure that those needed resources are being fully staffed within the City. The project will cut down on the overall carbon footprint of the City by reducing the number of trips in and out of the City by workers who cannot currently afford to live where they work.
- c. The property is not suitable for the purposes for which it is presently zoned. Currently, it is designated RR which would allow, at most, 11 homes to be built on the 30 acre site. There are no other RR parcels adjacent to the Project site. This zoning of this property as RR is an anomaly in the area, which can best be characterized as “mixed” as it is bordered by UR-2 and UR-4 zoned single family homes and townhouses on small urban lots, a mobile home park, and an active site containing the Saratoga Harness Track, Saratoga Casino, a 67 foot tall hotel, restaurants and acres of associated parking. This neighborhood is not consistent with RR zoning which is characterized by rural homes located on 2 or more acres located in the outskirts of the City. Given the market for real estate in the City, if the parcel were appropriately zoned, it would have been developed already.
- d. Based on the above standard, the rezoning of the parcel will eliminate a nonconformity of this stand-alone RR parcel. Extending the UR-4 zone across to the Project Site is consistent with the development adjacent to the parcel and in many nearby areas within a half mile radius.
- e. Adequate public facilities are available to the site. The project will have predominantly studios and 1-bedroom apartments, so the impacts to the schools will be negligible. The property is located across the street from and in close proximity to the State Park system, including the Hemlock Trail and the Saratoga Spa State Park. Adequate police and fire protection can be provided by the city. Ingress and egress will be provided to the site through Bunny Lake Drive and the adjacent roadway system is operating at levels of service A and B and can appropriately manage the modest increase in traffic generated by this project. The project will be serviced by the city’s sanitary and storm sewers, and water lines.

3. The approval of the Comprehensive Plan Amendment and Zoning Map Amendment shall expire by operation of law on December 31, 2027, unless a substantially complete Building Permit Application for the construction of the proposed “work force housing project” within the Project Site has been submitted to the Saratoga Springs Building Department. For purposes of this Resolution, “work force housing project” means a project falling within the scope of a Regulatory Agreement with the New York State Housing Finance Agency and/or New York State Homes and Community Renewal which restricts tenant occupancy by tenant income for an Extended Use Period of no less than thirty (30) years. A “work force housing project” shall have tenants with incomes for Saratoga County as required by New York State Housing Finance Agency and/or New York State Homes and Community Renewal and tenant incomes shall be certified on an annual basis. It is currently envisioned that applicable regulations and/or the regulatory agreement will require project tenants to have income at or below 60% to 90% Average Median Income (AMI) for Saratoga County as determined by the United States Department of Housing and Urban Development and the proposed “work force housing project” shall continue to restrict tenancy to appropriate income limitations as required by applicable regulations as they may be amended from time to time by any agency having such regulatory jurisdiction.
4. No other land use or Building Permit applications will be accepted for development under the UR-4 zoning for this Project Site other than for “work force housing” (as defined above) from the time these Map Amendments take effect until December 31, 2027.
5. In order to more properly safeguard Comprehensive Map and Zoning Map Amendment reversion, within 10 days of the date that Liberty Affordable Housing Inc. or a successor entity takes ownership of the Project Site, it shall cause a deed for the Project Site to be recorded in the Saratoga County Clerk’s office with the following provision: “This conveyance is subject to the provisions of the Saratoga Springs City Council Resolution entitled ‘Saratoga Springs City Council Resolution Approving Liberty Saratoga Work Force Housing Comprehensive Map And Zoning Amendments’ which was adopted by the City Council on December 27, 2022.”

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Kim - Ayes, Sanghvi - Ayes, Moran - Ayes, Montagnino - Ayes, Golub, Ayes. 5 - 0 Vote

**On the Motion of City Council Member Dillon Moran, seconded by Council Member Minita Sanghvi**

**, the foregoing Resolution was adopted.**

DATED: December 27, 2022

Saratoga Springs, New York